

Case Management

CM / ECF

Electronic Case Files

Frequently Asked Questions

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Basic Project Information

Scope

What is the case management/electronic case files project?

ANSWER: CM/ECF will replace the existing case management systems in the federal courts with a new case management system based on current technology, new software, and increased functionality requested by the courts. In addition to providing the courts with updated tools for managing their cases, this new system will enable the courts to create electronic case files and implement electronic filing over the Internet.

What are the benefits and features of using CM/ECF?

ANSWER: There are a number of significant benefits and features:

Full case information, including the docket and the filed documents are readily available to judges, chambers staff, and clerk's office personnel simultaneously without having to retrieve case records from the file room. These court users can also access this information from locations other than the courthouse, via the Internet.

At the court's option, registered attorneys can file and retrieve court documents 24 hours per day, 7 days per week.

Attorneys, parties and the general public are able to view case records using the Internet. This includes the ability to view the full text of all filed documents (subject to

any limitations the court might impose).

Attorneys can receive notices electronically in ECF cases; this eliminates the costs to both the court and attorneys of handling and mailing paper notices, and greatly speeds delivery.

Since CM/ECF uses Internet standard software, the out of pocket cost of participation for attorneys is typically very low.

Where is CM/ECF available and how long has it been in use?

ANSWER: CM/ECF, as a full-functioned case management system for national deployment, is still under development at the Administrative Office, receiving extensive input from the courts on its design and functionality. However, prototype software with limited functionality was developed for bankruptcy and civil filings, beginning in 1996. This software is now fairly robust and currently in use in five bankruptcy courts (Eastern District of Virginia, Southern District of New York, Northern District of Georgia, Southern District of California, and Arizona) and four district courts (Northern District of Ohio, Eastern District of New York, Western District of Missouri, and Oregon). As of June 1999, those courts have approximately 15,000 cases and 150,000 documents in the system and a rapidly increasing volume.

Schedule

When is CM/ECF coming and how will the implementation work?

ANSWER: The current target is for delivery of the Version 1 software to begin in the bankruptcy courts in June 2000, in the district courts in September 2000, and in the appellate courts in November 2000. However, the complexity of the project may require schedule changes. Courts will be able to request early implementation using Version 1, or later implementation using Version 2 which will contain added functionality. All courts should have the hardware and software delivered by the latter half of 2003. The courts will be provided with implementation guidelines well in advance of the system's delivery.

Hardware/Software

How many users can submit documents at once?

ANSWER: There is no fixed limit, and we expect the system to maintain good performance with 100+ users. Response time and expanded use will ultimately tell us what the acceptable

limit might be. Enhancements to communications capacity is expected to be an ongoing task to ensure that we meet the needs of the users.

How many people at a time may view an image? How many people at a time may view the docket?

ANSWER: There are no limitations for either function.

Will docket entries be identified as to who entered them?

ANSWER: Yes. All entries are identified by the name of the person that logged in and submitted the entry. The way a person's name appears in a docket entry may be determined by the court (e.g., full name, initials, etc.).

Can an attorney add new attorneys to the database?

ANSWER: Only court staff with appropriate permissions may add attorneys to the database as system users. However, it is possible for an attorney to add another attorney to a case, and to the database, during case opening. The new attorney would NOT have attorney level user privileges. In order to obtain those privileges, the attorney must make the proper application to the court and, if approved, a member of the court staff with appropriate permissions could assign a login and password to the attorney.

Some dockets are very long, with hundreds of entries. Can a docket report be run for only part of the docket?

ANSWER: Yes, the docket report program allows the user to request the entire docket report, or limit it by date range or document number. These options enable the report to be run faster and relieves the user from receiving extraneous information.

Is there a limit to the size of the document being filed in CM/ECF?

ANSWER: No, but the larger the file, the longer it will take to load. Local courts may restrict the size of certain types of documents by local rule or policy, just as they do now.

Why was Adobe PDF chosen as the document format? Does CM/ECF accept other

formats such as TIFF?

ANSWER: CM/ECF accepts only documents in PDF (Portable Document Format). PDF was chosen because it is an open publishing standard which preserves the author's document content and format. It allows documents filed, and later retrieved through CM/ECF, to display and print exactly as they looked to the original author, including any special fonts that were used. PDF can be used with a variety of operating systems, including Windows and Macintosh, and in conjunction with common office software products, such as word processors or spreadsheets, from most popular vendors. Both searchable text and graphical (image) information can be stored in a PDF file. It is also possible to put various bitmap formats such as TIFF into PDF.

What hardware and software will attorneys need to participate in ECF?

ANSWER: Attorneys will need the following hardware and software to electronically file, view and retrieve documents in the electronic filing system: • Netscape browser version 3.0 or higher (128 bit encryption is recommended); • a computer capable of running the above browser, such as one using a Windows, Windows 95, Macintosh, Linux or Solaris operating system with a minimum of 8 MB memory (32 MB is recommended); • Adobe Acrobat 3.0 or higher to convert documents from a word processor format to portable document format (PDF); • a PDF-compatible word processor like Macintosh or Windows-based versions of WordPerfect and Word; • a modem supporting a transfer rate of 28.8 kbs or higher (56 kbs is recommended); • Internet access through an Internet service provider using Point to Point Protocol (PPP); and • access to a scanner if paper documents need to be imaged and sent to the court.

Attorneys/Other Filers

Will attorneys be able to access the ECF system after the court's regular business hours to file cases and review documents/docket sheets?

ANSWER: The system can be made available 24 hours a day, 7 days a week. However, courts may choose to limit access after normal court work hours by local rule or procedure.

Can an attorney edit a docket entry?

ANSWER: No. An attorney cannot edit anything once it has been uploaded into the database. During docketing of an event, the attorney can select from specific pull down lists only. An attorney can also add to the docket entry using free text, where permitted by the court, but only

during preparation of docket entry. Once the docket entry and document are officially submitted and electronically accepted by the court, only court personnel can revise or edit the docket entry.

Will there be restrictions on who may have access to the CM/ECF system for the purpose of filing documents? Will there be restrictions on who may have access to the CM/ECF system for the purpose of seeing the filed documents or for other purposes?

ANSWER: Each participating court will establish policies on access to file documents through the electronic filing system. At the present time, prototype courts are providing document filing access principally to attorneys, although some courts are also providing access to US trustees and other bankruptcy trustees. The issues relating to access to already-filed documents has been the subject of considerable discussion. Most of the prototype courts are currently allowing public access through the Internet to the electronic documents. A subcommittee of the Committee on Court Administration and Case Management has begun to address issues relating to privacy and access to documents in the electronic case file. CM/ECF allows a court to selectively limit access to specific documents or all documents filed in a case.

How will signature of documents be handled for documents filed electronically?

ANSWER: At present, this is a matter for local court rule or order. Most prototype courts are currently treating use of an attorney's unique system log-in and password as a signature. Most of the prototype courts require that attorneys retain copies of critical paper documents, such as affidavits or bankruptcy petitions, containing original signatures of parties. Issues relating to authentication and verification of signatures are presently the subject of considerable debate in many areas of electronic commerce. The long- range solutions are still evolving.